

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

ROCKWELL AUTOMATION  
TECHNOLOGIES, INC.,

*Plaintiff,*

v.

SECURE CROSSING RESEARCH  
AND DEVELOPMENT INC.,

*Defendant.*

Case No. 2:12-cv-10274-GCS-MKM

Honorable George Caram Steeh

**DECLARATION OF LISA SCHAPIRA IN SUPPORT OF PLAINTIFF'S  
MOTION TO COMPEL DISCOVERY**

I, Lisa Schapira, declare as follows:

1. I am an associate with the law firm of Chadbourne & Parke LLP, counsel to Plaintiff Rockwell Automation Technologies, Inc. ("Rockwell") in this action. I make this declaration based on personal knowledge and in support of Rockwell's Motion to Compel Discovery from defendant Secure Crossing Research & Development Inc. ("Secure Crossing").
2. Attached hereto as Exhibit A is a true and correct copy of "Plaintiffs First Set of Requests for the Production of Documents and Things" served on April 24, 2012.
3. Attached hereto as Exhibit B is a true and correct copy of "Plaintiff's First set of Interrogatories" served on April 24, 2012.
4. Attached hereto as Exhibit C is a true and correct copy of the written meet and confer correspondence regarding Secure Crossing's failure to produce documents in response to Rockwell's document and interrogatory requests, as well as core technical documents as required by the Court's May 11, 2012 Case Management Order, including:

- (1) May 30, 2012 Letter from P. Tanck to A. Weintraub inquiring about Secure Crossing's delinquent responses to Rockwell's document and interrogatory requests and late Initial Disclosures;
- (2) June 4, 2012 Letter from L. Schapira to A. Weintraub inquiring about Secure Crossing's delinquent responses to Rockwell's document and interrogatory requests and late Initial Disclosures;
- (3) June 4, 2012 Email (10:12 a.m.) from S. Balber to A. Weintraub requesting response to May 30, 2012 Letter from P. Tanck;
- (4) June 11, 2012 Email (1:30 p.m.) from L. Schapira to A. Weintraub inquiring about Secure Crossing's responses to Rockwell's discovery requests and initial disclosures;
- (5) June 14, 2012 Email (10:53 a.m.) from P. Tanck to A. Weintraub inquiring about Secure Crossing's production of core technical documents and outstanding responses to Rockwell's document and interrogatory requests;
- (6) June 14, 2012 Email (11:57 a.m.) from P. Tanck to A. Weintraub inquiring about Secure Crossing's production of core technical documents and outstanding responses to Rockwell's document and interrogatory requests;
- (7) June 15, 2012 Email (11:36 a.m.) from L. Schapira to A. Weintraub inquiring about Secure Crossing's responses to Rockwell's document and interrogatory requests; and
- (8) June 22, 2012 Letter from L. Schapira to A. Weintraub inquiring about Secure Crossing's responses to Rockwell's discovery requests.

5. Secure Crossing's responses to Rockwell's documents and interrogatory requests (Exhibits A & B) were due on May 28, 2012. Secure Crossing never asked to extend the deadline for its response to these requests. As of the date of this declaration, Secure Crossing has not responded to Rockwell's document or interrogatory requests.

6. On June 1, 2012, Secure Crossing produced a handful of documents. SCR0001-SCR0599). This production consisted of: an introductory summary of Secure Crossing and its product, a white paper, an advertisement for the Zenwall products, a quick start guide and Zenwall user manual, and materials provided to the Patent & Trademark Office (“PTO”) as part of its request for reexamination of U.S. Patent No. 7,990,967 by the PTO. Secure Crossing did not produce design and development specifications or source code detailing how the various features and functions of the accused products operate.

7. On June 25, 2012, I spoke with David Oppenhuizen, counsel for Secure Crossing, by telephone to discuss Rockwell’s motion to compel discovery from Secure Crossing. Mr. Oppenhuizen was unable to provide any information as to when Secure Crossing would respond to Rockwell’s discovery requests.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: June 26, 2012

/s/ Lisa Schapira  
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